

June 30, 1983

Hon. Reginald Stanton
Superior Court of New Jersey
228 Hall of Records
Newark, New Jersey 07101

Re: State of New Jersey, DEP
v. Scientific Chemical Processing, Inc., et al.
Docket No. L-1852-83E

Dear Judge Stanton:

I enclose two copies of the Brief I am submitting on behalf of Marvin H. Mahan seeking the dismissal of the Complaint against him.

Also enclosed is the Plan submitted on behalf of Inmar Associates, Inc. for the cleanup of the Carlstadt site pursuant to the Order entered in this matter.

Yours truly,

Edward J. Egan

EJE/rq

cc: David W. Rager,
Deputy Attorney General
Paul S. Barbire, Esq.
Harriet Sims Harvey, Esq.
Mr. Leif R. Sigmond
Mr. Herbert Case

All with enclosures

345805



PLAN FOR REMEDIATION OF CARLSTADT SITE

BACKGROUND

This remediation plan is being submitted by Inmar Associates, Inc. ("Inmar"), the landowner of the Carlstadt site in response to an Order entered by Judge Stanton in an action brought by the New Jersey Department of Environmental Protection for the cleanup of the site. This Plan is being submitted without prejudice to the rights of Inmar, including its rights against other parties to the suit and unnamed parties and its rights to contest the determination of the Court that it is responsible for the cleanup of the site and is not to be deemed an admission of liability.

The site consists of six acres and has on it a small cinder block office building and 59 units that are apparently the property of Scientific Chemical Processing, Inc. ("Processing"), the tenant and operator of a reclamation business on the site. It is Inmar understanding, gleaned from persons associated with Processing, that Processing engaged in the business of reclaiming materials for sale for their BTU content from off-spec and used items. Thus the materials had a commercial value. It would appear that the material remaining on the site is low grade burnable material or material that for one reason or another has become mixed with non-burnable elements, primarily water but which still has commercial value. No list prepared by either Processing or DEP that is of any help in describing the material.

SAMPLING AND TESTING

Because there exists no useful information to determine the nature of the material in the 59 units, the first step to remediating conditions at the site is the sampling and testing of the 59 units. These units consists of 14

The drums would be removed first, followed by any units that appear structurally unsound. An initial examination would suggest that not more than 8 of the units may have structural problems.

It is difficult to evaluate the time that would be required to empty and remove the remaining containers. All the disposers are in agreement that it will take three to six months because of the diverse characteristics of the material, ie. some easily pumpable and the rest present problems because of the viscosity of the material.

PAYMENT FOR WORK AND ULTIMATE DISPOSITION OF THE PROPERTY

There have been claims that problems beset Processing in its attempts to remove the material and the containers because of the lack of cooperation of the Department of Environmental Protection. The DEP reportedly refused permission to permit removal of the material except under the most onerous conditions. This catch-22 situation stymied efforts to sell or dispose of the material. Key to the ability of Inmar to carry this proposal to fruition is its finding a developer of the real estate. Obviously, no developer wants to get involved in a frustrating hassle that has no promise of success. Apparently, the approval of the DEP and the HMDC will be required before the property can be built upon. To move this along, the parties will need the Court's assistance so that the property will not be left dangling and forlorn with none of the agencies involved willing to sign off or to grant the necessary permits for building to commence. Once remediation is completed to the Court's satisfaction, building permits should be issued. Inmar wishes to sell the property, which is zoned Light Industry, not only to generate the funds necessary to pay for the remedial work but also because it feels the property should be put to an economic use consistent with the development of the area. Inmar has been looking for a purchaser, and most recently has had

over-the-road trailers and one sludge box with the rest of the units being stationary tanks ranging in size from 4,000 to 20,000 gallons. Most of the units contain varying quantities of sludge of various viscosities. Thus, removal of the material is not a simple matter of pumping the material out and either selling the material or disposing of it. Both the nature of the material as either hazardous or non-hazardous and its viscosity must be determined before the next stage, the removal from the site, can be precisely described.

REMOVAL AND DISPOSAL

Material that is found to be non-hazardous and easily pumpable will be removed quickly and either sold or disposed of. The same is true of easily pumpable hazardous material. The fact that material may be hazardous does not determine whether it can be sold or whether it will have to be disposed of. That determination will be based upon whether the material can be burned to recover its BTU value. It would appear that a majority of the material can be burned.

Sludge with a thick viscosity will have to be extracted from the containers in various fashions depending on how fluid it is. This may involve cutting the tanks to get the material out. Some of this sludge may have to be solidified further once it has been removed from the tank so that it can be transported, and this will be done on the site on an existing cement pad. That step will enable the material to be more easily moved to a disposal site.

The trailers and tanks will either be cleaned and reclaimed or cut up and disposed of. Indications are that, aside from containers that are weak

structurally, most if not all of the trailers and tanks can be reclaimed and sold for reuse.

There are 44 drums on site which will be removed immediately as soon as their contents are ascertained.

WHO WILL DO THE WORK

Inmar has had discussions and conferences with at least seven potential disposers who have indicated a willingness to undertake the remedial work described herein. They are:

All County Environmental Services
Edgewater, New Jersey

SCA Chemical Services
Newark, New Jersey

Waste Conversion, Inc.
Hatfield, Pennsylvania

B&T Environmental Services
Ridgewood, New Jersey

Olsen & Hassold
Paterson, New Jersey

S&W
Kearny, New Jersey

Inland Water Pollution Control
Detroit, Michigan

TIME SCHEDULE

Once approval for the plan is obtained from the Court, the sampling would require four to seven days to complete. There will be three samples taken from each of the 59 containers, one each from the top, bottom, and middle, each of which will have to be tested. This would indicate a testing period of three to four weeks. The sampling and testing will be done by one of the above companies or their affiliated laboratory or by another approved laboratory.

serious discussions with ICOS International, a substantial engineering and land development company, which has expressed a willingness to erect a one-story 35,000 square foot office building if the environmental problems can be resolved. Inmar looks for the help of the Court to implement and complete this integral part of the remediation plan.

The property is thus the source of the funds for the remedial work. The six acres are assessed at \$703,400 which appears to be adequate to pay for the cleanup.

Dated: June 30, 1983